

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                                 |   |                        |
|---------------------------------|---|------------------------|
| CHRISTINE MORABITO,             | ) | CASE NO. 1:16-cv-2414  |
|                                 | ) |                        |
| PLAINTIFF,                      | ) | JUDGE SARA LIOI        |
|                                 | ) |                        |
| vs.                             | ) | MEMORANDUM OPINION AND |
|                                 | ) | ORDER                  |
| COMMISSIONER OF SOCIAL SECURITY | ) |                        |
| ADMINISTRATION,                 | ) |                        |
|                                 | ) |                        |
| DEFENDANT.                      | ) |                        |

Before the Court is the report and recommendation of Magistrate Judge Jonathan Greenberg, recommending that the decision of the Commissioner of Social Security (“Commissioner”) denying the applications of plaintiff Christine Morabito (“plaintiff”) for Period of Disability (“POD”) and Disability Insurance Benefits (“DIB”) under Title II of the Social Security Act, 42 U.S.C. §§ 416(i) and 423 *et seq.* (“Act”), be vacated and remanded for further proceedings. (Doc. No. 15 (Report and Recommendation [“R&R”]) at 1105.<sup>1</sup>) The Commissioner’s response states that the defendant will not be filing objections to the R&R. (Doc. No. 16.)

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<sup>1</sup> All references to page numbers are to the page identification numbers generated by the Court’s electronic filing system.

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

The failure to file written objections to the report and recommendation of a magistrate judge constitutes a waiver of a de novo determination by the district court of an issue covered in the report.

*Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed Magistrate Judge Greenberg's report and recommendation and accepts and adopts the same. Accordingly, the final decision of the Commissioner is vacated and this matter is remanded to the Commissioner for further proceedings consistent with this Court's ruling.

**IT IS SO ORDERED.**

Dated: August 15, 2017

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**